

In re Patent Application of:
FLICK
Serial No. 10/043,077
Filing Date: JANUARY 9, 2002

REMARKS

The Examiner is thanked for the thorough examination of the present application. Independent Claims 1 and 46 have been amended to more clearly define the subject matter thereof over the prior art. Support for the amendments may be found on pages 10-11 of the originally filed specification, for example. No new matter is being added. In view of the supporting arguments presented in detail below, it is submitted that all of the claims are patentable.

I. The Claimed Invention

Amended independent Claim 1, for example, is directed to a vehicle control system for a vehicle including a vehicle data communications bus extending throughout the vehicle, a vehicle device and vehicle indicator spaced apart from the vehicle device each connected to the data communications bus. The vehicle control system includes a uniquely coded transmitter to be carried by a user, a receiver at the vehicle for receiving signals from the uniquely coded transmitter, and a controller at the vehicle spaced apart from the vehicle device and cooperating with the receiver and the vehicle data communications bus. Claim 1 further recites that the controller is for communicating with the vehicle device via the data communications bus, and is switchable to a learning mode. When in the learning mode, the controller learns the at least one uniquely coded transmitter to

In re Patent Application of:

FLICK

Serial No. 10/043,077

Filing Date: JANUARY 9, 2002

permit control of a vehicle function by the user. Moreover, Claim 1 recites that the controller is also for communicating with the vehicle indicator spaced apart from the vehicle device via the vehicle data communications bus to cause the indication of whether the new uniquely coded transmitter has been learned. Amended independent Claim 46 is a method counterpart to Claim 1.

Independent Claim 18 is directed to a vehicle control system for a vehicle including a vehicle data communications bus extending throughout the vehicle, and a vehicle indicator connected thereto. The vehicle control system includes a uniquely coded transmitter to be carried by a user, a receiver at the vehicle for receiving signals from the uniquely coded transmitter, and a controller at the vehicle spaced apart from the vehicle indicator and cooperating with the receiver and the vehicle data communications bus. The controller is for learning the uniquely coded transmitter to permit control of a vehicle function by the user, communicating with the vehicle indicator via the data communications bus to cause an indication of whether the new uniquely coded transmitter has been learned, and causing an indication of a number of learned uniquely coded transmitters.

Independent Claim 30 is directed to a vehicle control system for a vehicle including a vehicle data communications bus extending throughout the vehicle, and a vehicle device connected thereto. The vehicle control system includes a biometric characteristic sensor for sensing a unique biometric

In re Patent Application of:

FLICK

Serial No. 10/043,077

Filing Date: JANUARY 9, 2002

characteristic of a user, and a controller at the vehicle spaced apart from the vehicle device and cooperating with the biometric characteristic sensor and the vehicle data communications bus. The controller is for communicating with the vehicle device via the data communications bus, learning the unique biometric characteristic to permit control of a vehicle function by the user, and causing an indication of whether the new unique biometric characteristic has been learned. Independent Claim 57 is a method counterpart to Claim 30.

II. Claims 1, 18, 30, 46 and 57 Are not Indefinite

The Examiner rejected independent Claims 1, 18, 30, 46 and 57 as indefinite, asserting that the term "throughout" is unclear. The Examiner argues the definition of "throughout" in the claim language "data communications bus extending throughout the vehicle" requires the data communications bus extend from one end of the vehicle to the other, and that the specification fails to teach such.

It is respectfully submitted that the plain meaning of "throughout" used in interpreting "data communications bus extending throughout the vehicle" makes the meaning of such claim language clear and thus not indefinite. Moreover, the specification describes the data bus extending throughout the vehicle such as to the hood sensor, trunk sensor, door sensor, etc. Accordingly it is submitted that independent Claims 1, 18, 30, 46 and 57 are not indefinite.

In re Patent Application of:
FLICK
Serial No. 10/043,077
Filing Date: JANUARY 9, 2002

III. Claims 1, 3-9, 11-17, 46, 48-52, and 54-56 Are Patentable

The Examiner rejected independent Claims 1 and 46 as unpatentable over U.S. Patent No. 6,100,792 to Ogino et al. The Ogino et al. patent discloses a car security apparatus having a bus line 6a routed through a head unit 1 including an internal liquid crystal display 1a, a CD-changer 2, and a car security unit 10. The Examiner has taken the position that the head unit 1 discloses a device and the liquid crystal display 1a discloses a vehicle indicator, as disclosed in independent Claims 1 and 46.

Independent Claims 1 and 46 have been amended to recite that the vehicle indicator is spaced apart from the vehicle device and connected to the data communications bus. The internal liquid crystal display 1a of Ogino et al. is not spaced apart from the head unit 1. Accordingly, it is submitted that amended independent Claims 1 and 46 are patentable. Their dependent claims, which recite yet further distinguishing features of the invention, are also patentable, and require no further discussion.

IV. Claims 18-23 Are Patentable

The Examiner rejected independent Claim 18 as unpatentable over the Ogino et al. patent in view of U.S. Patent No. 5,986,571 to Flick. The Flick '571 patent discloses a building security system comprising indicators that can indicate the number of learned remote transmitters. The Examiner

In re Patent Application of:
FLICK
Serial No. 10/043,077
Filing Date: JANUARY 9, 2002

correctly notes that the Ogino et al. patent fails to disclose a controller for causing an indication of a number of learned uniquely coded transmitters, and looks to the Flick '571 patent to provide such.

The Ogino et al. patent addresses the problem of using a single remote unit to control a plurality of vehicles with respective vehicle numbers in which the user must recall and manually input each vehicle number to control a respective vehicle security apparatus. (Col. 1 line 36-47). The Ogino et al. patent proposes a vehicle security apparatus for transmitting the respective vehicle number to a remote unit display when the inputted remote unit vehicle number does not match the respective vehicle number, but the remote unit ID code matches the ID code learned by the respective vehicle security apparatus. (Col. 17, line 26-35).

In stark contrast, the Flick '571 patent discloses a building security system to address the problem of a would-be-thief causing an alarm controller to enter an unauthorized learning mode without the owner's knowledge, after which the thief may use a new learned transmitter to disarm the system. In furtherance of protecting against unauthorized learning of a remote transmitter, a remote transmitter number indicating means causes the indication of a number of learned uniquely coded transmitters (Column 2, lines 23-26).

The Examiner suggests that it would have been obvious to one of ordinary skill in the art to modify the controller 17

In re Patent Application of:

FLICK

Serial No. 10/043,077

Filing Date: **JANUARY 9, 2002**

of the Ogino et al. patent as taught by the Flick '571 patent to cause indication of a number of learned uniquely coded transmitters. The Ogino et al. patent teaches learning a remote unit ID code for subsequently outputting a stored vehicle number so to avoid the need to manually recall vehicle numbers when the remote unit ID code matches the learned ID code. The Ogino et al. patent does not teach or suggest any indicator for the unauthorized learning of remote unit ID codes or any device to combat the unauthorized learning of remote ID codes. It is respectfully submitted that one of ordinary skill in the art at the time of the present invention would not make the suggested combination, as an indication of a number of learned ID codes does not further the objective of outputting the stored vehicle number when a remote ID code matches a learned ID code, as this objective merely teaches that the ID code is learned, not that an unauthorized learning or greater than a threshold number hasn't taken place. As such, there can be no proper motivation or suggestion to combine the references as the Examiner proposes, and the rejection of the above-noted independent claim should be withdrawn for this reason.

Accordingly, independent Claim 18 is patentable. Its dependent claims, which recite yet further distinguishing features of the invention, are also patentable, and require no further discussion.

IV. Claims 30-45 And 57-67 Are Patentable

In re Patent Application of:

FLICK

Serial No. 10/043,077

Filing Date: JANUARY 9, 2002

The Examiner rejected independent Claims 30 and 57 as unpatentable over U.S. Patent No. 6,271,745 to Anzai et al. in view of U.S. Patent No. 6,011,460 to Flick. The Anzai et al. patent discloses a biometric authorization system for a vehicle that includes an enrollment mode. The Flick '460 patent discloses a vehicle security system including a remote transmitter in communication with a plurality of vehicle devices, and the vehicle devices communicate with a controller over a vehicle data communications bus. The Examiner correctly notes that the Anzai et al. patent fails to disclose a data communications bus extending throughout the vehicle, a controller communicating over the data communications bus to vehicle devices, and a vehicle alarm indicator, and looks to the Flick '460 patent to provide such.

The Examiner asserts that "learn" is defined as "memorize" and the control unit 1 of the Anzai et al. patent scans and records (ie. memorizes) a user's fingerprint to permit control of a vehicle function by a user and indicates that a new fingerprint has been learned by asking for confirmation via display unit 41. It is respectfully submitted that the Examiner has mischaracterized the teachings of the Anzai et al. patent. Independent Claim 30 is directed to a vehicle control system that includes a controller for learning the unique biometric characteristic to permit control of a vehicle function by the user, and causing an indication of whether at least one new unique biometric characteristic has been learned. As argued in

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FLICK
Serial No. 10/043,077
Filing Date: JANUARY 9, 2002

Applicant's previous response, the Anzai et al. patent merely records the fingerprint, at step S91, and then asks for a confirmation at step S93. (See FIG. 9 and column 7, lines 62-63). At this point in the enrollment mode, the fingerprint recorded by the Anzai patent is not learned because it does not permit control of a vehicle function by the user. The learning of the fingerprint by the authorization system does not occur until after steps S95 and S97 occur after which no indication of whether at least one new unique biometric characteristic has been learned is caused by the controller or display unit 41, as the Examiner suggests. (See FIG. 9 and column 7, lines 63-67).

The Anzai et al. patent objective is to provide a keyless vehicle operation identification and authorization system. (Col. 2, lines 3-5). Contrastingly, the Flick '460 patent addresses the adaptability of hardwire vehicle security systems to vehicles having a data communications bus. The Examiner contends it would have been obvious to one of ordinary skill in the art at the time of the present invention to connect the dashboard unit 3, ignition switch status unit 5, lock unit 7 or engine immobilizer unit 9 of Anzai et al. with a data communications bus as taught by the Flick '460 patent. The Examiner asserts that such a modification of Anzai et al. would reduce the amount of wiring, wiring problems, and troubleshooting complications.

It is respectfully submitted that one of ordinary skill in the art would have been taught away from making the

In re Patent Application of:
FLICK
Serial No. 10/043,077
Filing Date: JANUARY 9, 2002

selective combination as suggested by the Examiner. The Anzai et al. patent uses hardwire connections toward its objective of providing a keyless vehicle operation identification system, and never teaches or suggests the use of a data bus to reduce wiring or wiring problems. Thus, one of ordinary skill in the art at the time of the present invention would not make the suggested combination, particularly due to the fact that supplementing the Anzai et al. system with a data communications bus so to reduce wiring does not further its objective of providing a keyless identification system. Accordingly, it appears that the Examiner is impermissibly using the Applicant's own specification as a template for piecing together the disjoint teachings of the prior art.

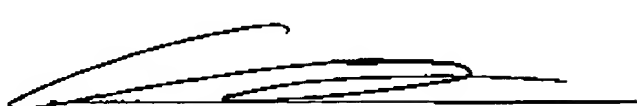
Accordingly, independent Claims 30 and 57 are patentable. Their dependent claims, which recite yet further distinguishing features, are also patentable over the prior art and require no further discussion herein.

CONCLUSIONS

In view of the amendment and arguments presented above, it is submitted that all of the claims are patentable. Accordingly, a Notice of Allowance is respectfully requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned at the telephone number listed below.

In re Patent Application of:
FLICK
Serial No. 10/043,077
Filing Date: JANUARY 9, 2002

Respectfully submitted,



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CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY that the foregoing correspondence has
been forwarded via facsimile number 571-273-8300 to the
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-
1450 this 8th day of February, 2006.

